

REMARKS

This Amendment with RCE is being filed concurrently with a Request for Continued Examination. Claim 1 has been amended.

The Office Action maintains that it is unclear as to how the first and second sector shaped cams can rotate at shifted phases or at shifted timing when both the clincher mechanisms (one for each cam) are connected to the same table that holds the movable clincher. The Office Action further states that “as arranged in Figure 13, and the links 25 and section 28 being solidly connected together, the linkages would bind and not work.” With all due respect to the Examiner, the statement that “both right and left links 25 solidly connected together and to clincher pressing section 28” found on page 2, lines 20-22 of the Office Action is not correct. The C-shaped structure of the present invention with the right and left links 25 and the clincher pressing section is not completely rigid, and has a certain amount of flexibility (elasticity) to accommodate the desired movement. Accordingly, by actuating the right and left links in the shifted timing, the C-shaped structure is slightly twisted and the linkages do work. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by *Mochizuki*. Applicant respectfully traverses the rejection for at least the following reasons.

Applicant respectfully submits that the Office Action has not established that *Mochizuki* anticipates each and every feature of Applicant’s claimed invention and that all rejections under

35 U.S.C. § 102(b) should be withdrawn. Newly amended independent claim 1 recites, in part, “a fixing pin projecting on a side surface of the table link; a fixing plate linearly slidable with respect to the fixing pin and engagable with the fixing pin to lock the table link in a paper-pressing state.” Thus, *Mochizuki* fails to teach or suggest at least these features of claim 1.

Mochizuki does not disclose at least a “fixing plate linearly slidable with respect to the fixing pin,” as recited in claim 1. As the Office Action points out, “*Mochizuki* shows . . . a fixing plate 60/61 (i.e. rotatably slidable) with respect to the fixing pin 43.” See page 4, lines 17-19 of the Office Action. That is, the Office Action admits that the fixing plate 60/61 of *Mochizuki* is rotatably slidable with respect to the fixing pin 43, and not linearly slidable with respect to the fixing pin 43.

As pointed out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051 (Fed. Cir. 1987). Therefore, Applicant respectfully asserts that the rejection under 35 U.S.C. § 102(b) should be withdrawn because *Mochizuki* does not teach or suggest each feature of independent claim 1.

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Udagawa*. Applicant respectfully traverses the rejection for at least the following reasons.

Applicant respectfully submits that the Office Action has not established that *Udagawa* anticipates each and every feature of Applicant’s claimed invention and that all rejections under 35 U.S.C. § 102(b) should be withdrawn. Newly amended independent claim 1 recites, in part, “a fixing pin projecting on a side surface of the table link; a fixing plate linearly slidable with

respect to the fixing pin and engagable with the fixing pin to lock the table link in a paper-pressing state.” These features are not found in *Udagawa*. Thus, *Udagawa* fails to teach or suggest at least these features of claim 1.

Moreover, even if the side plate portion 152A or 152B of *Udagawa* is considered the “fixing plate” and the linking shaft 151 of *Udagawa* is considered the “fixing pin” of newly amended claim 1, the configuration will not work. Since the side plate portions 152A, 152B [which] hold fixedly both ends of the linking shaft 151 (see col. 7, lines 53-55 of *Udagawa*), the side plate portions 152A, 152B do not move with respect to the linking shaft 151. Further, the linking shaft 151 of *Udagawa* may slide in the long hole 18. However, since the long hole 18 is formed on the frame 14 (see col. 7, lines 35-37 of *Udagawa*), the linking shaft 151 does not slide with respect to the linking member 152. Thus, *Udagawa* cannot anticipate the present invention.

As pointed out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051 (Fed. Cir. 1987). Therefore, Applicant respectfully asserts that the rejection under 35 U.S.C. § 102(b) should be withdrawn because *Udagawa* does not teach or suggest each feature of independent claim 1.

Additionally, Applicant respectfully submits that dependent claim 2 is also allowable insofar as it recites the patentable combinations of features recited in claim 1, as well as reciting additional features that further distinguish over the applied prior art.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Udagawa*. Applicant respectfully traverses the rejection for at least the following reasons.

To establish a *prima facie* case of obviousness, three basic criteria must be met (see MPEP §§ 2142-2143). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art references must teach or suggest all the claim limitations.

The Office Action has not established a *prima facie* case of obviousness at least because *Udagawa*, whether alone or in combination, fails to teach or suggest all the recited features of newly amended independent claim 1. Independent claim 1 recites, in part, “a fixing pin projecting on a side surface of the table link; a fixing plate linearly slidable with respect to the fixing pin and engagable with the fixing pin to lock the table link in a paper-pressing state.” Thus, as demonstrated above, *Udagawa* fails to teach or suggest at least these features of newly amended claim 1.

As pointed out in M.P.E.P. § 2143.03, all the claimed limitations must be taught or suggested by the prior art to establish *prima facie* obviousness of a claimed invention. Because *Udagawa*, whether taken alone or in combination, fails to teach or suggest each feature of newly amended independent claim 1, the rejection under 35 U.S.C. § 103(a) should be withdrawn. Furthermore, claim 3 depends from independent claim 1. Accordingly, claim 3 is also allowable because of the additional features it recites and the reasons stated above.

CONCLUSION


In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the Response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By:


David E. Connor
Reg. No. 59,868

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CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel: 202-739-3000
Fax: 202-739-3001